

ESTTA Tracking number: **ESTTA748132**

Filing date: **05/24/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91226815
Party	Plaintiff Conopco, Inc.
Correspondence Address	LISA W ROSAYA BAKER & MCKENZIE LLP 452 FIFTH AVENUE NEW YORK, NY 10018 UNITED STATES lisa.rosaya@bakermckenzie.com, joshua.wolkoff@bakermckenzie.com, nyc-trademarks@bakermckenzie.com
Submission	Opposition/Response to Motion
Filer's Name	Joshua S. Wolkoff
Filer's e-mail	nyctrademarks@bakermckenzie.com, lisa.rosaya@bakermckenzie.com, joshua.wolkoff@bakermckenzie.com
Signature	/Joshua S. Wolkoff/
Date	05/24/2016
Attachments	2016-05-24 Opp to Motion for Extension.pdf(89518 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Serial No. 86/704,515

For the Mark: *Caresse*

Filed on July 24, 2015

Published in the *Official Gazette* on February 9, 2016

CONOPCO, INC.,

Opposer,

- *against* -

ADVANCED POLYMER INC.,

Applicant.

Opposition No.: 91226815

**OPPOSITION TO APPLICANT’S MOTION FOR EXTENSION OF TIME
AND REPLY IN FURTHER SUPPORT OF MOTION FOR DEFAULT JUDGMENT**

Despite that over two months have passed since opposer Conopco, Inc. (“Opposer”) filed its Notice of Opposition in this proceeding, Applicant has not bothered to file an answer or otherwise respond to the allegations against it. Nor has Applicant ever contacted Opposer seeking consent for an extension of time to do so. Instead, after complete radio silence – and only after Opposer was forced to file a motion for default judgment (Dkt. No. 4) – was Applicant compelled to notify the Board, by way of letter dated April 25, 2016 (Dkt. No. 5). Yet Applicant’s latter-day request is as untimely as it is threadbare. Most of all, it fails to make the necessary showing that “good cause” exists sufficient to avoid the entry of a default judgment. *See generally* TBMP § 312.02 (explaining that good cause “is usually found when the defendant shows that (1) the delay in filing an answer was not the result of willful conduct or gross neglect on the part of the defendant, (2) the plaintiff will not be substantially prejudiced by the delay,

and (3) the defendant has a meritorious defense to the action.”); *see also* TBMP § 509.01(a) (“[a] motion to extend must set forth with particularity the facts said to constitute good cause for the requested extension; mere conclusory allegations lacking in factual detail are not sufficient”).

Applicant has not addressed any of the “good cause” factors, much less with any degree of particularity. Rather, Applicant’s only excuse: a letter from the Vice President of Advanced Polymer, Inc., vaguely claiming that the scope of this proceeding “exceeds [his] ability to handle it efficiently in a timely manner.” *See* Dkt. No. 5. Notably, Applicant’s perfunctory letter offers no explanation as to why it did not file an answer within the forty day period allotted by the Board, why it did not ask for Opposer’s permission for an extension of time before the window closed, and why a draft of its answer was not included in any of its submissions to the Board (*see* Dkt. Nos. 5-6, 8) as requested by TBMP § 312.01. For all of the foregoing reasons, Applicant’s request for an extension of time should be denied and default judgment in favor of Opposer should be entered against Applicant.

Respectfully submitted,

Dated: May 24, 2016

BAKER & McKENZIE LLP

By: /Lisa W. Rosaya/
Lisa W. Rosaya
Joshua S. Wolkoff
452 Fifth Avenue
New York, New York 10018
Tel: (212) 626-4100
Fax: (212) 310-1600
nyctrademarks@bakermckenzie.com

Attorneys for Opposer Conopco, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Opposition to Applicant's Motion for an Extension of Time and Reply in Further Support of Motion for Default Judgment was served on this 24 day of May, 2016 via First Class Mail, postage prepaid on the applicant, Advanced Polymer Inc., at the following address:

Advanced Polymer Inc.
4208 185th Place SE
Issaquah, Washington 98027

/Sonia Allahdad/
Sonia Allahdad